

107TH CONGRESS  
1ST SESSION

# H. R. 1866

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2001

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To amend title 35, United States Code, to clarify the basis  
for granting requests for reexamination of patents.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DETERMINATION OF SUBSTANTIAL NEW QUES-**  
2 **TION OF PATENTABILITY IN REEXAMINATION**  
3 **PROCEEDINGS.**

4 Sections 303(a) and 312(a) of title 35, United States  
5 Code, are each amended by adding at the end the fol-  
6 lowing: “The existence of a substantial new question of  
7 patentability is not precluded by the fact that a patent  
8 or printed publication was previously cited by or to the  
9 Office or considered by the Office.”.

10 **SEC. 2. EFFECTIVE DATE.**

11 The amendments made by this Act shall apply with  
12 respect to any determination of the Director of the United  
13 States Patent and Trademark Office that is made under  
14 section 303(a) or 312(a) of title 35, United States Code,  
15 on or after the date of the enactment of this Act.

Passed the House of Representatives September 5,  
2001.

Attest:

JEFF TRANDAHL,

*Clerk.*